

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**

SEE ATTACHED

- ☐ Petty
☐ Minor
☒ Misdemeanor
☐ Felony

PENALTY:

SEE ATTACHED

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

NATIONAL PARK SERVICE

☐ person is awaiting trial in another Federal or State Court, give name of court☒ this person/proceeding is transferred from another district per (circle one) FRCP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM

SCOTT N. SCHOOLS

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

DEREK R. OWENS, AUSA

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

GERARDO C. PADILLA

DISTRICT COURT NUMBER

CR 07 0297

DEFENDANT

MAG**IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer
been filed?☐ Yes
☐ NoIf "Yes"
give date
filed**DATE OF
ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

**DATE TRANSFERRED
TO U.S. CUSTODY**☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS*☐ WARRANT Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

Penalty Sheet Attachment
United States v. Gerardo C. Padilla

OFFENSES CHARGED

Defendant is charged with violating 36 C.F.R. § 4.23(a)(1), Driving Under the Influence of Alcohol, a Class B Misdemeanor.

Defendant is charged with violating 36 C.F.R. § 4.23(a)(2), Operating a Motor Vehicle with a Blood Alcohol Concentration of 0.08 Percent or More, a Class B Misdemeanor.

Defendant is charged with violating 36 C.F.R. § 4.14(b), Open Container of Alcoholic Beverage, a Class B Misdemeanor.

PENALTY

The maximum penalties for 36 C.F.R. § 4.23(a)(1) are:

Maximum Prison Term: 6 Months

Maximum Fine: \$5,000

Mandatory Special Assessment: \$10

The maximum penalties for 36 C.F.R. § 4.23(a)(2) are:

Maximum Prison Term: 6 Months

Maximum Fine: \$5,000

Mandatory Special Assessment: \$10

The maximum penalties for 36 C.F.R. § 4.14(b) are:

Maximum Prison Term: 6 Months

Maximum Fine: \$5,000

Mandatory Special Assessment: \$10

SCOTT N. SCHOOLS (SCSBN 9990)
United States Attorney

FILED

MAY 15 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MAG

UNITED STATES OF AMERICA,

Plaintiff,

v.

GERARDO C. PADILLA,

Defendant.

CR

No.

07

0297

VIOLATIONS: Title 36, Code of Federal Regulations § 4.23(a)(1) – Operating Under the Influence of Alcohol (Class B Misdemeanor); Title 36, Code of Federal Regulations § 4.23(a)(2) – Operating With a Blood Alcohol Concentration of 0.08 Percent or More (Class B Misdemeanor); Title 36, Code of Federal Regulations § 4.14(b) – Open Container of Alcoholic Beverage (Class B Misdemeanor)

SAN FRANCISCO VENUE

INFORMATION

The United States Attorney charges:

COUNT ONE: 36 C.F.R. § 4.23(a)(1) – Operating a Motor Vehicle Under the Influence of Alcohol

On or about January 14, 2007, in the Northern District of California, within the boundaries of an area within the purview of the National Park Service, the defendant,

GERARDO C. PADILLA,

operated or was in actual physical control of a motor vehicle while under the influence of

1 alcohol, drugs, or any combination thereof, to a degree that rendered him incapable of safe
2 operation, in violation of Title 36, Code of Federal Regulations § 4.23(a)(1), a Class B
3 Misdemeanor.

4 COUNT TWO: 36 C.F.R. § 4.23(a)(2) – Operating a Motor Vehicle With a Blood Alcohol
5 Concentration of 0.08 Percent or More

6 On or about January 14, 2007, in the Northern District of California, within the boundaries of
7 an area within the purview of the National Park Service, the defendant,

8 GERARDO C. PADILLA,

9 operated or was in physical control of a motor vehicle while the alcohol concentration in his
10 blood or breath was 0.08 grams or more of alcohol per 100 milliliters of blood or 0.08 grams or
11 more of alcohol per 210 liters of breath, in violation of Title 36, Code of Federal Regulations §
12 4.23(a)(2), a Class B Misdemeanor.

13 COUNT THREE: 36 C.F.R. § 4.14(b) – Open Container of Alcoholic Beverage


14 On or about January 14, 2007, in the Northern District of California, within the boundaries of
15 an area within the purview of the National Park Service, the defendant,

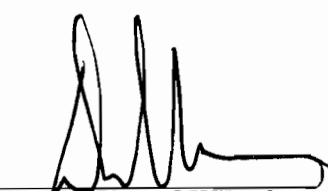
16 GERARDO C. PADILLA,

17 carried or stored a bottle, can or any other receptacle containing an alcoholic beverage that was
18 open, or had been opened, or whose seal had been broken or the contents of which had been
19 partially removed, within a motor vehicle in a park area, in violation of Title 36, Code of Federal
20 Regulations § 4.14(b), a Class B Misdemeanor.

21
22 DATED: May 2, 2007

SCOTT N. SCHOOLS
United States Attorney

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24 
25 IOANA PETROU
26 Chief, Major Crimes Section

27 (Approved as to form: )

28 DEREK R. OWENS
Special Assistant United States Attorney